

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 25, 2003

DIVISION ONE

B168411 Diane V. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B162435 Los Angeles County, D.C.S. (Not for Publication)
v.
D.V.
In re S.R. et al., minors

The July 18, 2002 adjudication order is reversed insofar as it sustains the allegations of the petition under Welfare and Institutions Code section 300, subdivision (d). In all other respects, it and the other two orders appealed from are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION ONE (Continued)

B159996 Teng (Not for Publication)

v.

Teng

In re Marriage of Yu & Teng

The order denying Wife's motion to set aside those portions of the December 20, 2000, judgment relating to division of property is reversed. The judgment shall be set aside as it relates to property issues including spousal support but excluding child custody, visitation and support which are not at issue on appeal. The matter is remanded for proceedings consistent with this opinion, including trial on the division of property. The parties are to bear their own costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B160439 People (Not for Publication)

v.

Carranza

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B161398 McCloud (Not for Publication)

v.

Perkins

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

DIVISION ONE (Continued)

We concur: Ortega, J.
Mallano, J.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

September 25, 2003 (Continued)

DIVISION ONE (Continued)

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The sentence is vacated and set aside. The matter is remanded for a new trial on the prior "strike" allegation and for resolution of the issue mentioned in part IV of this opinion. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B162032 Mark Messersmith, as Trustee, etc. (Not for Publication)
v.
Hawes

The June 19, 2002, order vacating Messersmith's voluntary dismissal and September 3, 2002, judgment entered thereon are reversed. The order awarding Hawes compensation and attorney fees and denying Messersmith attorney fees is affirmed. The parties to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B165316 Bufford (Not for Publication)
v.
Mose

The order of the trial court is affirmed. Respondent is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

September 25, 2003 (Continued)

DIVISION TWO (Continued)

B161576 People (Not for Publication)
v.
Bridges

The judgment is modified to stay the robbery count and firearm enhancement to that count pursuant to section 654 and is otherwise affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B164223 People v. Allen (Not for Publication)

The orders for a \$400 restitution fine and a \$400 parole revocation restitution fine are stricken from the order revoking probation (the order under review). As modified, the order revoking probation is affirmed. The judgment is modified to impose a section 1202.45 parole revocation restitution fine in the amount of \$200. (Previously, at judgment, the trial court imposed only the \$200 section 1202.4, subdivision (b) restitution fine.) The superior court is ordered to amend the abstract of judgment so that it states as follows: (1) the imposition of a \$200 section 1202.4, subdivision (b) restitution fine and of a \$200 section 1202.45 parole revocation restitution fine, the latter of which is stayed until appellant violates the terms and conditions of his parole; and (2) appellant is awarded section 2900.5 presentence credit in the amount of 306 days, consisting of 205 days of custody credit and 101 days of conduct credit. The superior court shall send the amended abstract of judgment to the California Department of Corrections.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

September 25, 2003 (Continued)

DIVISION TWO (Continued)

B160933 People (Not for Publication)
v.
Carreles and Contreras

The judgments are affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B160517 People (Not for Publication)
v.
Vo

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B141342 Ling
v.
California Breeze Homeowners Association

Filed order denying petition for rehearing.

DIVISION THREE

B162665 People (Not for Publication)
v.
Miles

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

September 25, 2003 (Continued)

DIVISION THREE (Continued)

B158594 Wolkowitz, etc. (Certified for Publication)
 v.
 Redland Insurance Co., et al.

The judgment is affirmed as to dismissal of the complaint against both Redland and the attorney defendants. Redland and the attorney defendants are entitled to their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B166889 People (Not for Publication)
 v.
 Castle

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FIVE

B159570 People (Not for Publication)
 v.
 Martin Rodriguez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B163506 Livermore (Not for Publication)
 v.
 Craine, et al.

The judgments (order granting summary judgment for conservator and Heidi; order denying appellant's cross-motion for summary judgment; and order denying appellant's motion to intervene and set aside the property transfer) are affirmed. Appellant is ordered to pay costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B158882 Sullivan (Not for Publication)
 v.
 City of San Luis Obispo, et al.
 LOVR-SLO, LLC etc.

The judgment is affirmed. Respondent City and developer/real party in interest are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B162672 People (Not for Publication)
 v.
 Speech

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

September 25, 2003 (Continued)

DIVISION SIX (Continued)

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The judgment (order) is reversed, and the allegation is dismissed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B163353 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B151108 People v. Burns (Not for Publication)

The abstract of judgment is ordered amended to reflect a five-year section 12022.8 enhancement term served consecutively to the six-year term imposed on count 6, with this 11-year term running concurrent to the terms imposed on counts 4, 5 and 7. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

September 25, 2003 (Continued)

DIVISION SEVEN

B167010 In re Morales on Habeas Corpus (Not for Publication)

The petition for writ of habeas corpus is denied.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B153875 Hobdy (Not for Publication)
 v.
 State of California

The judgments are affirmed. Respondents are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Munoz, J. (Assigned)

DIVISION EIGHT

Court convened at 9:03 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

Each of the following:

B160122 People v. Polanco
B161585 People v. Moreno

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B163798 Kato
 v.
 State Board Of Control, et al.

Merits:
Argued by Franck Kato, appellant in propria persona and by Elizabeth Hong, Deputy Attorney General for respondents. Cause submitted.

B165005 NOS Communications, Inc.
 v.
 Hi-Tech Gateway, Inc.;
 Sprint Communications Company

Merits:
Argued by Raymond A. Cardozo for appellant (Sprint Communications Co.), by Kelly Ryan for appellant (Hi-Tech Gateway, Inc.) and by Joseph T. Casey, Jr. for respondent. Cause submitted.

B155166 County Of Los Angeles
 v.
 Navarro

Merits:
Argued by Linda S. Ferrer for appellant and by Fesia A. Davenport for respondent. Cause argued, matter to be submitted within 30 days from this date.

B162513 American Airlines, Inc., et al.
 v.
 Superior Court, Los Angeles County
 (Third Party Witness Richard Di Marco, r.p.i.)

Merits:
Argued by Robert Jon Hendricks for petitioners and by Henry M. Willis for real party in interest. Cause submitted.

September 25, 2003 (Continued)

DIVISION EIGHT (Continued)

B154584 Murphy, et al.
 v.
 BDO Seidman LLP,
 Logan Throop & Co.

Merits:

Argued by Gary A. Schlessinger for appellants, by Travers D. Wood for respondent (BDO Seidman LLP) and by Christopher G. Piety for respondent (Logan Throop & Co.). Cause submitted.

B167449 Edamerica, Inc., et al.
 v.
 Superior Court, Los Angeles County
 (Jung, et al., r.p.i.)

Merits:

Argued by Henry M. Lee for petitioners and by Bryan King Sheldon for real parties in interest. Cause submitted.

Court adjourned at 12:10 p.m.

B159676 People
 v.
 Price

Filed order modifying opinion. (No change in the judgment)